

IN THE U.S. DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK

Joshua Hope 49 Fulton Street, #17E New York, NY 10038)))))
Plaintiff)))
vs.) Civil Action)
St. Margaret House 49 Fulton Street New York, NY 10038) No.07-CV-4726)
) The Hon. Sullivan)
) Petition for Entry of Default)
) Judgment)
Joseph Breed St. Margaret House 49 Fulton Street New York, NY 10038))))
1 st Precinct of New York Police Department (NYPD) 16 Ericsson Place New York, NY 10013))))
Defendants)

**PETITION FOR ENTRY OF DEFAULT JUDGMENT AGAINST CO-
DEFENDANT NEW YORK CITY POLICE DEPARTMENT (NYPD)**

The undersigned counsel, on behalf of Petitioner/Plaintiff, Joshua Hope, respectfully move this Honorable Court for entry of a default judgment as to defendant 1st Precinct of New York Police Department (NYPD), in accordance with the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, and in support thereof shows the Court the following:

1. On May 20, 2008, this Petitioners, by and through his counsel, following this Honorable Court's order, filed in the United States District Court for the District for the Southern District of New York, the Plaintiff's Amended Complaint, impleading the First Precinct

of New York Police Department as co-defendant for the latter's repeated, severe violation of civil rights, and other serious tortuous acts against the Plaintiff.

2. On May 20, 2008, the Complaint, together with the Court issued Summons was properly served upon the Defendant, the 1st Precinct of New York Police Department The Proof of delivery is hereby attached to this Petition as Exhibit and is incorporated herein by reference.
3. On July 23, 2008, after more than twenty days, excluding the Independence Day holiday, had elapsed since the service of said Complaint and Summons upon Respondent, and no Answer thereto having been served by Respondent upon the Petitioner.
4. Respondent New York City Police has failed to plead or otherwise defend this action, and the Petitioners are therefore entitled to judgment by default against defendant.
5. Pursuant to the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, this Court is empowered to enter a default judgment against the Respondent for relief sought by Petitioners in their Petition, and written notice of this action has been given to Respondent as set forth in the attached affidavit.

PRAYER

WHEREFORE, Petitioners respectfully pray that this Court enter a Judgment of default against Respondent, the 1st Precinct of New York Police Department (NYPD), for all the accounts set forth in the Amended Complaint.

AFFIDAVIT

I, Ning Ye, do hereby certify that I am an attorney of good standing for this Federal jurisdiction. I am the counsel for the Record representing victim/Plaintiff Joshua Hope, in his

civil action against 1st Precinct of New York Police Department (NYPD) among other co-defendants. On May 20, 2008, this counsel, following this Honorable Court's order, filed in the United States District Court for the District for the Southern District of New York, the Plaintiff's Amended Complaint, impleading the First Precinct of New York Police Department as co-defendant for the latter's repeated, severe violation of civil rights, and other serious tortuous acts, having caused aggravated, lasting and irreparable harms against the Plaintiff. On the same day of May 20, 2008, the Complaint, together with the Court issued Summons was properly served upon the Defendant, the 1st Precinct of New York Police Department. The Proof of Service is hereby attached to this Petition as Exhibit and is incorporated herein by reference.

On July 23, 2008, after more than twenty days, excluding the Independence Day holiday, had elapsed since the service of said Complaint and Summons upon Respondent, and no Answer thereto having been served by Respondent upon the Petitioner. The Defendant New York City Police, by its repeated omissions and inaction, demonstrated that it has chosen not to defend, plead or counter-plead all counts Plaintiff set forth in his Amended Complaint. This Affiant further certify that the statements and allegations set forth in the foregoing Petition are true and accurate to the best of our knowledge and belief.

Respectfully submitted,

/s/Ning Ye, Esq.
Counsel for the Plaintiff
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Flushing, NY 11355
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Certificate of Service

Counsel for the Plaintiff hereby certify that the Above Amended Complaint has been served upon the following Defendants by electronic mail, via ECF system, on this 23rd Day of July, 2008:

Defendant St., Margaret House
Defendant Joseph Breed

c/o Mathew S. Fenster, Esq.
Cadwalader, Wickersham & Taft, LLP
One World Financial Center
New York, NY 10281

1st Precinct of New York Police Department (NYPD)
16 Ericsson Place
New York, NY 10013

Two hard copies of the Petition were also served, in addition to electronic publication system as ECF, upon the following Defendant, by first class mail, postage prepaid, via USPS on this 23rd day of July, 2008:

1st Precinct of New York Police Department (NYPD)
16 Ericsson Place
New York, NY 10013

1st Precinct of New York Police Department (NYPD)
c/o The City of New York Law Department
100 Church Street
New York, NY 10007

Pursuant to the Honorable Court's Order, a hardcopy of the above was mailed to the Honorable Judge Sullivan's Chamber by FedEx overnight delivery on this 23rd day of July, 2008.

/s/Ning Ye, Esq.
Counsel for Plaintiff